

116946

McConnell

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

20139

FILE: B-205081

DATE: December 1, 1981

MATTER OF: Rex Stephens

DIGEST:

Protest which is filed the eleventh working day after protester knew of contract award will not be considered because it is untimely under 4 C.F.R. § 21.2(b)(2).

Rex Stephens protests the rejection of his bid under solicitation No. R3-04-81-30 issued by the Department of Agriculture, Forest Service. The protest will not be considered because it was not timely filed.

At bid opening on September 11, 1981, Mr. Stephens' bid was the lowest bid submitted. However, the contracting officer asked Mr. Stephens to review his bid because it was 41.56 percent below the Government estimate. Mr. Stephens verified his bid on September 17. On September 21, Mr. Stephens telephoned the contracting officer who informed him that the contract had been awarded to another bidder. Mr. Stephens then sent a letter of protest to this Office. The GAO time/date stamp shows that the protest was filed on October 6, 1981.

Our Bid Protest Procedures provide that a bid protest must be filed not later than 10 working days after the basis of the protest is known. 4 C.F.R. § 21.2(b)(2) (1981). Since Mr. Stephens was aware of the basis of his protest on September 21, the protest should have been filed by October 5. Absent evidence showing that GAO received the protest at an earlier date, the GAO time/date stamp is determinative of the time and date of receipt. Linguistic Systems, Incorporated, 58 Comp. Gen. 403 (1979), 79-1 CPD 250.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel